



Sweeny Refinery
P. O. Box 866
Sweeny, TX 77480

August 16, 2004

VIA OVERNIGHT MAIL

Kenneth G. Long, Esq.
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044-7611

Re: **Proposed Draft Consent Decree in Settlement of ConocoPhillips Company Enforcement Matter; Brazoria County, Texas**

Dear Mr. Long:

As requested in the conference call on August 4, 2004, this letter provides the ConocoPhillips Company's report on the implementation of improvements to its operations relating to the Sweeny Refinery's permitted discharges from Outfalls 003 and 005.

In the past, the facility has detected and reported pH exceedances from Outfall 003. Under NPDES Permit No. TX0007536 (issued in 1989), Outfall 003 was authorized to discharge uncontaminated stormwater runoff. The permit imposed a pH range of 6 to 9 standard units. The facility's TPDES Permit No. 00721 (issued on April 6, 2004), which supersedes and replaces the NPDES permit, continues to authorize the discharge of stormwater, from Outfall 003, subject to the same limits and monitoring requirements for Total Organic Carbon ("TOC"), oil and grease, and pH.

In the past, also as cited in the pending enforcement action, the facility has detected and reported exceedances of Total Organic Carbon ("TOC") and pH at Outfall 005. Outfall 005 was also authorized under NPDES Permit No. TX0007536. The permit imposed limits on the daily maximum concentration of TOC and oil and grease, and imposed a pH range of 6 to 9 standard units. The facility's TPDES Permit continues to impose the same oil and grease, TOC and pH limits and monitoring requirements on discharges from this outfall.

To minimize the potential for pH exceedances at Outfall 003, ConocoPhillips operations personnel have enhanced the monitoring procedures during times of discharge. The only discharge that occurs from Outfall 003 is excess uncontaminated stormwater. The permitted limits for pH at Outfall 003 are between 6 and 9 standard units, with a requirement for pH sampling once per day during times of discharge. In addition to the daily sampling, under the enhanced monitoring procedure, operators now check the pH a second time each day of discharge with a portable pH probe. If either reading is 8.8 or higher, flow is immediately discontinued. This outfall is alkaline in nature and has no history of violating the minimum pH value. Reducing the action level of pH to 8.8 (rather than 9.0) helps to ensure that the pH does not exceed the permitted limit of 9.0. These changes in monitoring procedures were incorporated into the facility's Standard Operating Procedures in February 2004. Since this change, no exceedances have occurred.

The violations at Outfall 005 included both TOC and pH exceedances. These permit exceedances were attributed to the demineralizer wastewater that was authorized for discharge through this outfall in recent years. As part of the new pipeline project, all of the demineralizer wastewater that was being discharged through Outfall 005 was re-routed to the new Outfall 011 to the Brazos River. Although prior discharge permits allowed the discharge of

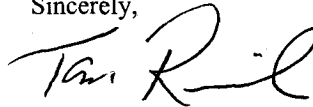
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demineralizer wastewater, Outfall 005 is now authorized to discharge only boiler blowdown and stormwater. The demineralizer wastewater that was previously discharged via Outfall 005 is now discharged via new Outfall 011.

Under the terms of TPDES Permit No. 00721, Outfall 005 is permitted to discharge only excess uncontaminated stormwater and a small amount of boiler blowdown. As part of the wastewater re-routing, the holding capacity at this location has been increased and pumps were installed to send most of the water from this location back to Outfall 011. The only time water is discharged through Outfall 005 is when a large storm event occurs and the pumps are not able to keep up with the rainfall. When discharge to Outfall 005 does occur, this outfall is sampled once a day for pH, TOC, and oil and grease. Since these physical and operational changes were made in April 2004, there has only been one discharge event, and the sample results were well within the permitted limits.

ConocoPhillips believes these compliance measures have addressed and resolved the potential issues associated with pH and TOC at Outfalls 003 and 005. If you have any questions regarding these changes at the facility, please let us know. Thank you for working with us on the resolution of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Rich", with a stylized flourish at the end.

Tom Rich, General Manager
Sweeny Refinery

TJR/JCG/jfd

cc: Marcia Moncrieffe, Esq., EPA Region 6
David Duncan, Esq., ConocoPhillips
Cindy Smiley, Esq., Kelly, Hart & Hallman